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January 16, 2007

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**To:** Commissioner for Patents

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**Client Number:** **25401-39**

**Pages:**  
(including cover) **4**

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PAGE 1/4 \* RCVD AT 1/16/2007 1:23:55 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-6/37 \* DNIS:2738300 \* CSID: \* DURATION (mm:ss):01-18

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Docket No: 25401-39

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JAN 16 2007

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: Ulf Gyllensten et al : Paper No.

Serial No.: 10/529,447 : Group Art Unit: 1637

Filing Date: March 28, 2005 : Examiner: Thomas, David C.

For: Method and Kit for Quantitative and Qualitative Determination of Human Papillomavirus

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is a Response in the above-identified application.

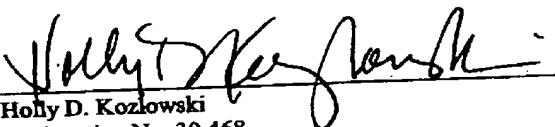
Additional fee is required.  
 Also attached:  
 The fee has been calculated as shown below:

	NO. OF CLAIMS	HIGHEST PREVIOUS PAID FOR	EXTRA CLAIMS	RATE	FEE
Total Claims	20	20	0	x 50 =	\$0.00
Independent Claims	2	2	0	x \$200 =	\$0.00
<b>TOTAL FEE DUE</b>					<b>\$0.00</b>

[X] The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment, to Deposit Account No. 04-1133, including any filing fees under 37 CFR 1.16 for presentation of extra claims and any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

By:

  
 Holly D. Kozlowski  
 Registration No. 30,468  
 Attorney for Applicants  
 DINSMORE & SHOHL LLP  
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CENTRAL FAX CENTERPATENT

Docket No: 25401-39

**CERTIFICATE OF FACSIMILE**

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*Bennie S. Rose***IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Applicant: Ulf Gyllensten et al

Paper No.

Serial No.: 10/529,447

Group Art Unit:

1637

Filing Date: March 28, 2005

Examiner: Thomas, David C.

For: **Method and Kit for Quantitative and Qualitative Determination of Human Papillomavirus**

**RESPONSE**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In the Official Action dated December 14, 2006, the Examiner required restriction under 35 U.S.C. §§121 and 372 between Group I, claims 1-8 and 15-17 drawn to a method for quantitative and qualitative determination of human papillomavirus (HPV), and Group II, claims 9-14 and 13-20 drawn to a kit for detection and quantification of HPV.

Applicants elect the invention of Group II, claims 9-14 and 18-20 drawn to a kit. This election is made with traverse on the basis that it would not be unduly burdensome for the Examiner to examine all of claims 1-20 in the present application. Reconsideration is respectfully requested.

The Official Action also indicated that should Applicants elect Group II, Applicants are required to select one pair or primer sequences from Groups III-X (SEQ ID NOS. 1-8), one pair of primer sequences from Groups XI-XX (SEQ ID NOS. 9-18), one pair or probe sequences from Groups XXI-XXIV (SEQ ID NOS. 21-24), and one pair of probe sequences from Groups XXV-XXIX (SEQ ID NOS. 25-29). The Examiner asserted that the inventions listed in Groups III-X, XI-XX, XXI-XXIV, and XXV-XXIX do not relate to a single general inventive concept because they lack corresponding special technical features.

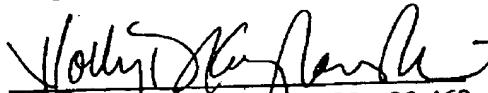
Application Serial No. 10/529,447  
Response filed January 16, 2007  
Official Action dated December 14, 2006

This election is traversed and reconsideration is respectfully requested. That is, independent claim 9 recites a kit for detection and quantification of HPV. The kit comprises the amplification primers of SEQ ID NOS. 1-8 and SEQ ID NOS. 21-24. Thus, all the amplification primers of SEQ ID NOS. 1-8 and all of the probes of SEQ ID NOS. 21-24 are required by claim 9. Thus, an election of any one pair of primer sequences and/or any one pair of probe sequences is inconsistent with the invention defined by claim 9. Since claim 9 does not recite these primers or probes as alternate embodiments, for example in a Markush group, the election requirement is not proper. Similarly, claim 9 optionally further requires the amplification primers of SEQ ID NOS. 9-18 and the probes of SEQ ID NOS. 25-29. Again, this optional embodiment of claim 9 requires all of the primers of SEQ ID NOS. 9-18 and all of the probes of SEQ ID NOS. 25-29. Election of any one pair of primers or probes is again inconsistent with the recited embodiment of the invention defined by claim 9. Accordingly, withdrawal of this election requirement is respectfully requested.

The undersigned telephoned the Examiner to discuss the withdrawal of this election requirement. The Examiner informed the undersigned that it was understood that all of the sequences of the respective groups III-X and XI-XX are required by claim 9 and that an election was required only to facilitate searching of the invention. To provide a complete response to the Official Action, therefore, Applicants elect the primer pair of SEQ ID NOS. 1 and 2, the probe of SEQ ID NO. 21, the primer pair of SEQ ID NOS. 9 and 10 and the probe of SEQ ID NO. 25. This election is only made for the present response to be considered as fully responsive, as an election among required primer sequences and probe sequences is, as discussed above, inappropriate.

Examination on the merits is requested.

Respectfully submitted,

  
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